

REMARKS/ARGUMENTS

By this Amendment, claim 17 is amended and claims 34-36 are added. Claims 17, 22-24 and 27-36 are pending.

The amendment of claim 17 finds support in the original disclosure at, e.g., page 4, lines 16-21. The addition of claims 34-36 finds support in the original disclosure at, e.g., page 5, last paragraph.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

It appears from the February 28, 2007 Advisory Action that the only pending rejection is the rejection of claims 17-20, 22-24 and 27-33 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 4,299,920 to Peters in view of U.S. Patent No. 4,441,793 to Elkins and further in view of U.S. Patent No. 6,645,434 to Muramatsu. This rejection is respectfully traversed.

Claim 17 requires a glass plate with a thickness of about 150 μm as a base of the reaction substrate. The Peters and Elkins references do not disclose the use of a base comprising a glass plate with this thickness. The Office attempts to remedy this deficiency of the Peters and Elkins references by substituting the “cover glass” of the sample observation plate of Muramatsu, which has a thickness of nearly 170 μm .

The proposed combination of reference teachings fails to meet all the features of the claimed invention. Base claim 17 requires a glass plate with a thickness of about 150 μm as a

base of the reaction substrate. The cover glass of Muramatsu is too thick, and therefore the Office has failed to make a *prima facie* showing of obviousness.

Furthermore, Applicants respectfully submit that a person of ordinary skill in the art would have lacked motivation to make the proposed combination of reference teachings to reach the claimed invention with a reasonable expectation of success. An ordinarily skilled artisan would have expected glass plates of about 150 μm thickness to be overly sensitive to mechanical tension or bending, and would not have expected such glass plates to be suitable for use in reaction substrates, which are subjected to significant mechanical loads, particularly when used for testing procedures with high sample throughput (specification at page 11, second paragraph, last sentence). It was unexpected that the claimed combination of a flexible compartment layer with a thin glass plate is stable enough to resist this mechanical load. This represents a particular advantage in view of the fact that high throughput screening procedures typically are automated.

Therefore, a person of ordinary skill in the art would not have been motivated with a reasonable expectation of success to use glass having a thickness of about 150 μm as a base of a reaction substrate.

Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.
